

1 ENVIRONMENTAL ADVOCATES
JODENE ISAACS, ESQ. (SBN 226895)
2 5135 Anza Street
San Francisco, CA 94121
3 Telephone: (415) 533-3376
Facsimile: (415) 358-5695
4 jisaacs@enviroadvocates.com

5 ECOLOGY LAW CENTER
FREDRIC EVENSON, ESQ. (SBN 198059)
6 P.O. Box 1000
Santa Cruz, CA 95061
7 Telephone: (831) 454-8216
evenson@ecologylaw.com

8 Attorneys for Plaintiff
9 ECOLOGICAL RIGHTS FOUNDATION

10 GREBEN & ASSOCIATES
JAN A. GREBEN, ESQ. (SBN 103464)
11 125 E. De La Guerra Street, Suite 203
Santa Barbara, California, 93101
12 Telephone: (805) 963-9090
Email: jan@grebenlaw.com
13

14 UNITED STATES DISTRICT COURT
15 NORTHERN DISTRICT OF CALIFORNIA

16 ECOLOGICAL RIGHTS FOUNDATION,
17
18 Plaintiff,
19 v.
20 SCHMIDBAUER LUMBER, INC. and
SCHMIDBAUER BUILDING SUPPLY, LLC,
21 Defendants.

CASE NO. 4:16-cv-07401-HSG

NOTICE OF APPROVED SETTLEMENT;
REQUEST TO ENTER PROPOSED
CONSENT DECREE AND VACATE
CASE MANAGEMENT CONFERENCE;
ORDER

1 **TO THE CLERK OF THE COURT, ANY INTERESTED PARTIES, AND THEIR**
2 **ATTORNEYS OF RECORD:**

3 PLEASE TAKE NOTICE that Plaintiff, Ecological Rights Foundation, and Defendants,
4 Schmidbauer Lumber, Inc. and Schmidbauer Building Supply, LLC, (collectively, the “Parties”) have reached a final settlement in the above-captioned case as described below.

5 PLEASE TAKE FURTHER NOTICE that, in accordance with federal law, no judgment
6 disposing of this action may be entered prior to forty-five (45) days following the receipt of the
7 proposed settlement by the United States Department of Justice and the national and Region IX
8 offices of the United States Environmental Protection Agency (“federal agencies”). (See 33
9 U.S.C. §1365(c); 40 C.F.R. § 135.5.) Plaintiff provided the [Proposed] Consent Decree to the
10 federal agencies for review. On July 24, 2017, the Department of Justice submitted a notice to this
11 Court that the agency approves of the [Proposed] Consent Decree (Dkt. 39).

12 NOW THEREFORE, for the reasons set forth above, the Parties jointly request that the
13 Court approve and execute the Proposed Order submitted on June 5, 2017 (Dkt. 34-1) dismissing
14 the Complaint with prejudice under Rule 41(a)(2) of the Federal Rules of Civil Procedure and
15 providing for continuing Court jurisdiction over any disputes which may arise between the Parties
16 under the Consent Decree. The Parties further stipulate, and respectfully request, that the Court
17 enter an order vacating the Case Management Conference currently scheduled for August 15,
18 2017 at 2:00 p.m.

19
20 ///

21 RESPECTFULLY SUBMITTED,
22

23 DATED: July 25, 2017

ENVIRONMENTAL ADVOCATES

24
25 By: /s/ Jodene Isaacs

26 JODENE ISAACS
27 Attorney for Plaintiff
28

1 DATED: July 25, 2017

GREBEN & ASSOCIATES

2
3 By: _____ /s/ Jan Greben

4 JAN GREBEN

5 Attorney for Defendants

6
7
8
9
10
11 **ORDER**

12 Good cause appearing, and based on the stipulation of the parties, IT IS HEREBY
13 ORDERED that the Case Management Conference currently scheduled for August 15, 2017 is
14 vacated.

15 **IT IS SO ORDERED.**

16
17
18 DATED: July 31, 2017 _____



Hon. Judge Haywood S. Gilliam,
U.S. District Court Judge,
Northern District of California